

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

United States <i>ex rel.</i>)	
)	
Altrach Data Solutions, LLC,)	
)	Civil Action No. 1:10-CV-461-CAP
Plaintiff,)	
)	
v.)	
)	
)	
The Evercare Company,)	
)	
Defendant.)	

STIPULATION

WHEREAS, Plaintiff Altrach Data Solutions, LLC (“Altrach”) filed its Complaint for False Marking against Defendant The Evercare Company (“Evercare”) on February 17, 2010;

WHEREAS, Pursuant to this Court’s March 30, 2010 Order, Evercare’s response to Altrach’s Complaint is currently due on May 10, 2010;

WHEREAS Evercare disputes whether Altrach has Article III standing to bring this *qui tam* action;

WHEREAS, in Stauffer v. Brooks Bros. Inc., No. 08 Civ. 10369 (S.D.N.Y. May 14, 2009), the district court dismissed a *qui tam* relator’s complaint under the False Marking Statute, 35 U.S.C. § 292;

WHEREAS, the appeal from the dismissal order issued in Stauffer is currently pending in the United States Court of Appeals for the Federal Circuit, Appeal Nos. 2009-1428, 2009-1430, 2009-1453;

WHEREAS, the Federal Circuit's decision in Stauffer likely will bear upon this Court's consideration of whether Altrach has Article III standing to bring this *qui tam* action;

WHEREAS, Altrach will not be prejudiced by staying this case until Stauffer is decided by the Federal Circuit;

Defendant Evercare and Plaintiff Altrach hereby STIPULATE to the following:

1. The parties agree that a stay of proceedings pending the resolution of Stauffer by the Federal Circuit will simplify the issues in this case and conserve judicial resources;
2. The above-captioned action should be stayed and placed on the Court's suspense docket pending resolution of Stauffer by the Federal Circuit;
3. The parties will advise the Court of the outcome in Stauffer;
4. Evercare's responsive pleading to Altrach's Complaint shall be due thirty (30) days after the Court lifts the stay in this case.

SO STIPULATED.

Dated: April 26, 2010

DLA PIPER LLP (US)

By /s/ Paul N. Monnin

PAUL N. MONNIN

*Attorney for Defendant
The Evercare Company*

Dated: April 26, 2010

ALTRACH DATA SOLUTIONS, LLC

By /s/ Jeffrey. P. Leonard

JEFFREY P. LEONARD

*Attorney for Plaintiff
Altrach Data Solutions, LLC*

Dated: April 26, 2010

Respectfully submitted,

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By /s/ Paul N. Monnin

PAUL N. MONNIN

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The Evercare Company